

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #12	CCRB Case #: 202003751	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/11/2018 8:19 PM, Thursday, 10/11/2018 9:30 PM	Location of Incident: [REDACTED]	Precinct: 77	18 Mo. SOL 4/11/2020	EO SOL 11/26/2020	
Date/Time CV Reported Mon, 06/01/2020 9:07 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 06/01/2020 9:07 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Kastriot Selmani	04148	961269	077 PCT
2. An officer			
3. POM Jamar Burke	18983	958349	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jonathan Todman	20869	954375	077 PCT
2. POM Pierre Joseph	23157	957720	077 PCT
3. POM Robert Langrock	26839	955042	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kastriot Selmani	Abuse: At § 87(2)(b) [REDACTED] in Brooklyn, Police Officer Kastriot Selmani forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
B.POM Jamar Burke	Abuse: At § 87(2)(b) [REDACTED] in Brooklyn, Police Officer Jamar Burke forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
C. An officer	Discourtesy: At § 87(2)(b) [REDACTED] in Brooklyn, an officer spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Kastriot Selmani	Discourtesy: At § 87(2)(b) [REDACTED] in Brooklyn, Police Officer Kastriot Selmani spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
E.POM Kastriot Selmani	Force: At § 87(2)(b) [REDACTED] in Brooklyn, Police Officer Kastriot Selmani used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

## Case Summary

On June 1, 2020, § 87(2)(b) called the CCRB and filed this complaint via the Call Processing System.

On October 11, 2018, § 87(2)(b) called the police, and at approximately 8:19 p.m., PO Jamar Burke and PO Kastriot Selmani of the 77<sup>th</sup> Precinct responded to his apartment at § 87(2)(b) Apt. 12, in Brooklyn... § 87(2)(b) invited them inside to investigate his complaint. After they spoke with § 87(2)(b) PO Selmani and PO Burke determined that § 87(2)(b) required medical assessment (**Allegations A and B -Abuse of Authority: Forcible Removal to Hospital, § 87(2)(g)**). PO Burke and PO Selmani called for Emergency Medical Services (EMS) personnel and NYPD backup. PO Robert Langrock and PO Pierre Josesph of the 77<sup>th</sup> Precinct arrived at § 87(2)(b)'s apartment before EMS personnel. Once the EMS personnel arrived, they assessed § 87(2)(b) and with PO Burke and PO Selmani's assistance, transported § 87(2)(b) to § 87(2)(b) located at § 87(2)(b) in Brooklyn. At the hospital, an officer allegedly used the word "fuck" in conversation with others and near § 87(2)(b) (**Allegation C - Discourtesy: Word, § 87(2)(g)**). PO Selmani allegedly stated, "What a pain in the ass" regarding § 87(2)(b) (**Allegation D -Discourtesy: Word, § 87(2)(g)**). When § 87(2)(b) attempted to stand up from a chair he was sitting in at the hospital, PO Selmani allegedly pushed § 87(2)(b) back into the chair (**Allegation E -Force: Physical force, § 87(2)(g)**). After a doctor evaluated him at the hospital, § 87(2)(b) was discharged.

The investigation did not recover video footage in this case.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: At § 87(2)(b) in Brooklyn, Police Officer Kastriot Selmani forcibly removed § 87(2)(b) to the hospital.**

**Allegation (B) Abuse of Authority: At § 87(2)(b) in Brooklyn, Police Officer Jamar Burke forcibly removed § 87(2)(b) to the hospital.**

It is undisputed that at approximately 8:19 p.m. on October 11, 2018, PO Burke and PO Selmani responded to § 87(2)(b), in Brooklyn, spoke with § 87(2)(b) regarding his criminal complaint, did not generate a complaint report, and, after some conversation, placed § 87(2)(b) in handcuffs. It is further undisputed that PO Burke and PO Selmani called EMS personnel to evaluate § 87(2)(b). It is undisputed that PO Burke and PO Selmani escorted § 87(2)(b) outside his apartment, where he was evaluated by EMS personnel (BR01, BR03, BR07).

§ 87(2)(b) PO Burke, and PO Selmani consistently testified that the overall condition of § 87(2)(b)'s apartment was disordered and messy (BR01, BR03, BR07).

§ 87(2)(b) testified to the CCRB that when PO Burke and PO Selmani arrived at his apartment, he invited them inside to investigate his complaint of a past burglary. On the night of the incident, § 87(2)(b) did not consume alcohol or take behavior-changing medication, although he had been regularly taking Lorazepam, an anti-anxiety medication. § 87(2)(b)'s apartment was "cluttered" with memorabilia and other items. § 87(2)(b) told the officers what possessions might have been missing and provided information about who he thought might be involved. The officers asked what the suspects looked like, but § 87(2)(b) was unable to tell them. After the officers asked § 87(2)(b) if he was "alright," § 87(2)(b) said he was feeling fine, had no psychological abnormalities, and did not want to hurt himself. § 87(2)(b) did not raise his voice towards officers throughout their conversation (BR01).

PO Burke and PO Selmani consistently testified that after they entered § 87(2)(b)'s apartment and conducted searches regarding his allegations that a burglary had taken place, they began to be concerned regarding § 87(2)(b)'s overall mental state. They had these concerns because § 87(2)(b)'s statements were not “making sense” and because § 87(2)(b) raised the volume of his voice in response to PO Burke and PO Selmani stating they would not generate a criminal complaint regarding the incident. PO Burke and PO Selmani conducted searches on their department phones which showed that § 87(2)(b) had a previous history of anxiety, depression, and making suicidal statements to the police, all included in previous Emotionally Disturbed Person (EDP) calls.

PO Burke and PO Selmani stated they decided to call for EMS personnel in a mutual decision, based on § 87(2)(b)'s “nonsensical” communication, aggravation, and history of EDP calls. The officers decided they could not safely leave the location because they did not know whether § 87(2)(b)'s mental state would lead to him harming himself or someone else. Neither officer called for a supervisor. PO Burke stated this was because the situation was “under control” and § 87(2)(b) was not being physically aggressive. PO Burke used his radio to cancel further NYPD assistance, which cancelled an Emergency Services Unit (ESU) response that had been automatically dispatched as a result of the EDP job type (BR03, BR07).

PO Burke completed an AIDED Report regarding the ambulance call; his statement in this report was consistent with the testimony he provided to the CCRB (BR02).

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§ 87(2)(g)

**Allegation (C) Discourtesy: At § 87(2)(b), § 87(2)(b) in Brooklyn, an officer spoke discourteously to § 87(2)(b)**

§ 87(2)(b) testified that inside § 87(2)(b) located at § 87(2)(b) in Brooklyn, at least one officer used the word “fuck” while within six feet of where § 87(2)(b) was sitting in a chair. § 87(2)(b) did not recall which officer made this statement and could not provide any descriptive information regarding this officer (BR01).

PO Burke, PO Selmani, PO Joseph, and PO Langrock testified that they did not recall making or hearing any statements containing the word “fuck” at § 87(2)(b) (BR03, BR05-BR07).

§ 87(2)(b) could not describe the officer who used the word “fuck” in conversation with other officers., and no officer interviewed could account for any officer making or using any statements containing the word “fuck.” § 87(2)(g)

§ 87(2)(g)  
§ 87(2)(g)

**Allegation (D) Discourtesy: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Kastriot Selmani spoke discourteously to § 87(2)(b)**  
**Allegation (E) Force: At § 87(2)(b) § 87(2)(b) in Brooklyn, Police Officer Kastriot Selmani used physical force against § 87(2)(b)**

§ 87(2)(b) testified that inside § 87(2)(b) in Brooklyn, a white officer made the statement, “What a pain in the ass” regarding the overall situation; this statement was made to another officer within earshot of § 87(2)(b). After waiting in the hospital for 45 minutes, § 87(2)(b) stood up from the chair in which he had been seated. A white officer approached § 87(2)(b) pushed him down into the chair, and told him to wait (BR01).

The investigation attributes these actions to PO Selmani because PO Selmani’s memo book entries stated that he and PO Burke escorted § 87(2)(b) to § 87(2)(b) at 9:30 p.m. PO Langrock’s memo book entries show that he and PO Joseph were handling another job at the time (BR04) and could not have been present at the hospital at the time of these alleged actions. Of the two remaining officers, PO Selmani and PO Burke, who are known to have been present at the hospital with § 87(2)(b) PO Selmani is the only white officer.

PO Selmani did not recall stating, “What a pain in the ass” in § 87(2)(b) and no other officer interviewed recalled any officer making such a statement (BR03, BR05-BR07).

PO Selmani did not recall using any physical force against § 87(2)(b) in § 87(2)(b) and no other officer interviewed recalled any officer using physical force towards § 87(2)(b) (BR03, BR05-BR07).

§ 87(2)(g)  
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**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR09).
- PO Selmani has been a member of service for three years, and this is the first CCRB complaint to which he has been a party.
- PO Burke has been a member of service for five years, and this is the first CCRB complaint to which he has been a party.

**Mediation, Civil and Criminal Histories**

- This complaint was unsuitable for mediation.
- On December 16, 2020, a FOIL request for all Notices of Claim filed regarding this complaint was submitted to the New York City Office of the Comptroller, and the results will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR08).

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Squad No.: 12

Investigator: Zachary Herman      Investigator Zachary Herman      12/17/2020  
Signature      Print Title & Name      Date

Squad Leader: Chris Anderson      SI Chris Anderson      12/17/2020  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date